



CITY OF MEMPHIS

COUNCIL AGENDA

August 18, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 4, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION recognizing Victoria George and Homer Vanarsdale, Jr., winners of the "Do the Write Thing Challenge" program.

Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the north side of Summer Avenue; \pm 1,230 ft. east of Graham Street, containing 1.31 acre site and is partially regulated by McDonald Planned Development (P.D. 97-341); partially in the Single Family Residential (R-S6) District.

Morrison

Case No. PD 09-310

Applicant: Charles L. McDonald
Danny Tabrizi, E.D.S. Inc. – Representative

Request: Motor vehicle sales including an additional lot and additional parking spaces

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

88 NOTICES WERE MAILED ON AUGUST 7, 2009

3. RESOLUTION approving a planned development located on the east side of S. Perkins Road, +/-241 feet north of Spottswood Avenue, containing 1.35 acres and is currently governed by P.D. 08-322.

Morrison

Case No. PD 09-314

Applicants: Frank N. Stanley, III & Harry Day
Farris, Bobango, Branan, PLC-Homer Branan, III –Representative

Request: Planned development amendment to allow additional parking to the rear of a previously approved restaurant building and on the adjacent property to the north, including a small building expansion and a revised front elevation plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

41 NOTICES WERE MAILED ON AUGUST 7, 2009

4. RESOLUTION approving a planned development located on the northeast corner of Kirby Parkway and Kirby Gate Boulevard, containing 9.51 acres and is governed by the approved conditions for the Kirby Gate Business Campus Planned Development (PD 99-338) Development.

Morrison

Case No. PD 09-315

Applicant: Mike Hampton
ETI Corporation (Ralph Smith) – Representative

Request: Senior Specialty Medical Care Facilities to include Out-Patient Clinic, Acute Care Facility, and Skilled Nursing Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

104 NOTICES WERE MAILED ON AUGUST 7, 2009

DIVISION OF PLANNING & DEVELOPMENT

5. RESOLUTION approving a hotel waiver for the Iris Motel located on the southeast corner of Ledger Avenue and Elvis Presley Boulevard. (**Reconsidered from 7/07/09 Minutes**).

Morrison

Case No. HMW 09-01

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a special use permit located on the west side of Tchulahoma Road; ±953 ft. south of Shelby Drive, containing 9.89 acres in the Single-Family Residential (R-S8) District.

Morrison

Case No. SUP 09-211

Applicant: Easthaven Community Development Corporation
Request: Residential home for the aged

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving site plans located at Raines Road and Graceland Street.
Morrison Case No. Z 09-101

ACTION REQUESTED: Adopt the site plans

ZONING ORDINANCE – THIRD AND FINAL READING

8. **ORDINANCE** amending Ordinance No. 4647, by correcting an administrative error in the legal description of the property rezoned from (AG) to (I-L) which was approved by Memphis City Council on March 2, 1999. This property is located on the north side of Holmes Road, +/-1,640 feet east of Lamar Avenue, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5326
Case No. Z 98-157cc

Applicant: Imad Nahhas/OPD

Request: Correct the faulty legal description of the property re-zoned from A-G to I-L District as approved by the Memphis City Council on March 2, 1999

OPD recommendation: APPROVAL, of the corrected legal description

LUCB recommendation: APPROVAL, of the rezoning of this property on December 10, 1998

ACTION REQUESTED: Take whatever action Council deems advisable

NOTICES WERE NOT REQUIRED



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

9. **ORDINANCE** amending Chapter 2, Article 1, Section 2-10 of the code of Ordinances so as to amend the membership requirements of the Board of Ethics of the City of Memphis, up for F I R S T reading.

Boyd

Ordinance No. 5327

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

10. **RESOLUTION** accepting ROBINSON WAY PD, and authorizing release of bond.

Case No. PD 02-317

(Contract No. CR-4968)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Shady Grove Road, 372.44 feet south of Wood Way Drive. The standard improvement contract was approved. Resolution also authorizes the release of the Letter of Credit performance bond in the amount of \$75,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. **RESOLUTION** accepting TULIP CREEK SUBDIVISION, SECTION B and authorizing release of bond.

Case No. S 99-012cc

(Contract No. CR-4756)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Covington Pike, 140.82 feet north of Mandy Smith Drive. The standard

improvement contract was approved on September 6, 2005. Resolution also authorizes the release of the performance bond in the amount of \$5,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE:



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MLGW FISCAL CONSENT

12. RESOLUTION approving full and final settlement of all claims by the City of Memphis and Joseph Lee, III in an amount up to \$426,422.33. (Held from 7/21)
13. RESOLUTION awarding Contract No. 11338, Telecommunications System for Customer Care Center, to Black Box Network Services in the funded amount of \$275,446.71.
14. RESOLUTION awarding Contract No. 11347, Elevator Maintenance, to Kone, Inc. in the funded amount of \$149,499.60.
15. RESOLUTION approving Contract No. 11374, Master Trust/Custody Services for Retirement and Pension System, with The Northern Trust Company.
16. RESOLUTION approving Contract No. 11375, Master Trust/Custody Services for Common Fund, with The Northern Trust Company.
17. RESOLUTION approving Contract No. 11376, Actuarial/Consulting Services for Retirement and Pension System (Plan) and OPEB (Trust), with The Segal Company.
18. RESOLUTION approving Change No. 2 to Contract No. 11107, Electronic Bill Presentment and Payment Services, with Kubra Data Transfer, Ltd, in the funded amount of \$88,000.00. (This change extends the current term until December 31, 2009).
19. RESOLUTION approving Change No. 3 to Contract No. 11191, Television Production and Broadcast Services, with Media Source in the funded amount of \$38,685.00. (This change renews the contract for the second of four renewal terms, September 1, 2009 to August 31, 2010 and includes 75 hours of on-location video taping of interviews and supporting footage for show segments).
20. RESOLUTION approving Change No. 2 to Contract No. 11269, Information Services Support, with Software Resource Consultants in the funded amount of \$145,000.00. (This change covers additional contract resources to assist in the discovery session and the initial phases for the Oracle eBusiness Suite Implementation for Procurement and Contracts).
21. RESOLUTION awarding contract for one cable fault locator to Hipotronics c/o Utility Specialists in the amount of \$32,875.00.

22. RESOLUTION renewing contract with Patterson Welding Service for a 24-month period for repair and fabrication of substation oil breakers in the amount of \$180,000.00.
23. RESOLUTION awarding 36-month contract for excavatable flowable fill to Metro Materials in the amount of \$4,681,280.00.
24. RESOLUTION authorizing MLGW to enter into an Interdivisional Cooperative Agreement with the City of Memphis to purchase unleaded and low sulfur diesel fuel under City of Memphis Contract No. 24577 and extend MLGW Purchase Order No. 134890 with Truman Arnold, covering the 12-month period of September 3, 2009 to September 3, 2010, in the amount of \$7,200,000.00, with option to extend an additional 12 months.
25. RESOLUTION approving payment of annual membership dues to the Tennessee Municipal Electric Power Association in the amount of \$25,023.00.
26. RESOLUTION approving payment of invoice from the Tennessee Department of Environment and Conservation for annual facility maintenance fee for public water systems in the amount of \$124,901.70, payable to the Treasurer, State of Tennessee.



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REGULAR AGENDA

BUDGET ITEM

27. RESOLUTION approving the Memphis City Schools' Budget for 2009-2010. (Held from 7/21; 8/4).

Fullilove

ACTION REQUESTED: Adopt the resolution

- 28.

Flinn

APPOINTMENTS

ANIMAL SHELTER ADVISORY COMMITTEE

Appointment

Cindy Marx-Sanders

GENERAL ORDINANCES -THIRD AND FINAL READING

29. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** to amend Chapter 21, Article III, of the Code of Ordinances, so as to prohibit using Text Messaging Services while operating a motor vehicle, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5324

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to modify Section 21-80 (b) of the Traffic Control Photographic System Requirements, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5325

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

33. RESOLUTION requesting the City Council to appropriate \$6,000.00 funded by G.O. Bonds General in CIP Project #GA03001, Service Vehicles, for Memphis Area Transit Authority, to fund the local share for the purchase of service vehicles in Fiscal Year 2010 as part of the Fiscal Year 2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION requesting the City Council to appropriate \$32,000.00 funded by G.O. Bonds General to CIP Project #GA03023, Operations/Maintenance Facility, for Memphis Area Transit Authority, to fund the local share of a portion of a feasibility study for an Operations/Maintenance Facility as part of the Fiscal Year 2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION requesting the City Council to appropriate \$250,000.00 funded by G.O. Bonds General to CIP Project #GA03022, Advanced Public Transportation Systems, for Memphis Area Transit Authority, to fund the local share of costs as part of the Fiscal Year 2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION requesting the City Council to appropriate \$379,000.00 funded by G.O. Bonds General in CIP Project #GA03007, Bus Replacement, for Memphis Area Transit Authority, to fund the local share for the purchase of 10 replacement buses in Fiscal Year 2010 as part of the Fiscal Year 2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION requesting the City Council to appropriate \$478,000.00 funded by G.O. Bonds General in CIP Project #GA03011, Paratransit Buses, for Memphis Area Transit Authority, to fund the local share for the purchase of 13 paratransit buses in Fiscal Year 2010 as part of the Fiscal Year 2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION requesting the City Council to appropriate \$5,250,000.00 funded by G.O. Bonds General in CIP Project #GA03018, Preventive Maintenance, to fund costs for maintenance of capital assets for the Memphis Area Transit Authority in Fiscal Year 2010 as part of the Fiscal Year 2010 Capital Improvement Budget.

Boyd

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

39. RESOLUTION appropriating the sum of \$425,000.00 in Other Project Cost funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003, chargeable to FY 2010 Capital Improvement Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

40. RESOLUTION to amend and appropriate FY 2010 Operating Budget to include federal funding for Shelter Plus Care Grant Program for Family Services of the Mid-South, in the amount of \$311,100.00.

Ford

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION to amend and appropriate FY 2010 Operating Budget to include federal funding for Shelter Plus Care Grant Program for Friends for Life, Inc., in the amount of \$129,732.00.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

42. RESOLUTION to clarify the language of the Resolution to Exempt certain City of Memphis Police Officers from Residency requirement whose duties require them to perform services on behalf of the City outside of the Territorial Limits of the City of Memphis and allowing certain Police Officers to reside no greater than 20 miles outside of the boundaries of Shelby County, Tennessee upon Payment of Annual Fee.

Flinn

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

43. RESOLUTION seeking City Council approval to allow the Riverfront Development Corporation to utilize the net proceeds from the sale of 11.04 acres of Mud Island property to cover any funding shortfalls in City Contract No. 15428 that may occur in FY 2010.

Strickland

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION transferring an allocation and appropriation of \$496,750.00 funded by Federal Grants from A/E to Construction in GA01002, and appropriates an additional \$7,302,000.00 funded by Federal Grants and \$2,580,711.00 funded by G.O. Bonds General in GA01002 for the construction of Beale Street Landing Phase 3.

Strickland

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION including Zoo Major Maintenance, CIP Project Number PK09002, as part of the FY 2010 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation. The resolution seeks to appropriate \$250,000.00 in construction funds, funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

46. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation and appropriating \$220,000.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001 to Concrete Replacement FY09, project number SW02077 and to extend a construction contract with Triple K Construction.

Boyd

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation and appropriating \$700,000.00 funded by G. O. Bonds-General from Street Lighting, project number PW01093 to Street Lighting FY10, project number PW01209, to reimburse Memphis, Light, Gas and Water for cost incurred in connection with servicing, replacing, and removing expressway street light poles.

Boyd

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation and appropriating \$5,339,000.00 funded by GO Bonds – General from Asphalt Paving, project number PW01040 to Asphalt Paving FY10, project number PW01208, for paving done by City Employees.

Boyd

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

49. **APPOINTMENTS**
Flinn

Appointment

Director of Public Services & Neighborhoods

Janet Hooks

50. RESOLUTION amending the Fiscal Year 2010 CIP Budget by establishing the Fairgrounds Redevelopment Budget Line in the amount of \$3,200,000.00. Funds will be transferred from CD01080 Pyramid Acquisition and are in exchange for a \$3,200,000.00 allocation of Community Development Block Grants (CDBG) FUNDS-Fairgrounds Redevelopment CD01081, provided by Housing and Community Development.

Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. and 3 – Approved, as amended
4. Approved
5. Approved, as amended
6. Through 11 – Approved
12. Held to September 15, 2009
13. Through 28 – Approved
29. and 30 – Held to September 1, 2009
31. Approved
32. Held to September 1, 2009
33. Through 42 - Approved
43. Held to September 1, 2009
44. Through 50 - Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF AUGUST 4, 2009

Approved

**ACTION TAKEN BY COUNCIL ON THE MINUTES OF AUGUST 18, 2009 FOR
ITEMS #49 AND #50 ONLY:**

Approved